



# FACSIMILE

DATE: August 19, 2004  
**OFFICIAL PAPER**

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U.S. Serial No.: **09/868,535**  
Client/Matter No.: **JANB-0002**  
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**COVER MESSAGE:**

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Attached hereto is/are the following documents:

- 1) Petition to Withdraw From Issue (37 CFR § 1.313 (c))
- 2) Request For Continued Examination (RCE) Transmittal Pursuant to 37 CFR § 1.114
- 3) Amendment Under 37 CFR § 1.111

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DOCKET NO.: JANB-0002/JAB-1442

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 19 2004

In Re Application of:

Frans Eduard Janssens et al.

Application No.: 09/868,535

Filing Date: July 26, 2001

For: ANTIHISTAMINIC SPIRO COMPOUNDS

Confirmation No.: 3436

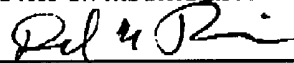
Group Art Unit: 1624

Examiner: Coleman, Brenda Libby

CERTIFICATE OF FACSIMILE TRANSMISSION

DATE: August 19, 2004

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
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TRADEMARK OFFICE TO FACSIMILE NUMBER 1-703-  
872-9306 ON THE DATE LISTED ABOVE.

  
\_\_\_\_\_  
David N. Farsiou REG. NO. 44,104

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW FROM ISSUE (37 CFR § 1.313 (c))

1. Applicant hereby petitions for the withdrawal of this application from issue.
2. The issue fee for this case was paid on **July 23, 2004**.
3. This application is scheduled to
  - ☐ issue on \_\_\_\_\_ as patent number \_\_\_\_\_
  - ☒ Based on information received from the Publication Division no issue date has been set for this application as of the date of the date of the Request for Withdrawal.
4. The reason for the request for withdrawal from issue is:
  - ☒ consideration of a request for continued examination is being filed concurrently herewith.

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☐ one or more of the claims are unpatentable.

☐ other.

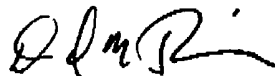
5. The petition fee (37 CFR § 1.17 (i)) is paid as follows:

☐ A check in the amount of \$130.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

☒ Please charge Deposit Account No. 23-3050 in the amount of \$130.00. This sheet is attached in duplicate.

☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

Date: August 19, 2004



David N. Farsiou

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DOCKET NO.: JANB-0002/JAB-1442

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AUG 19 2004

**In Re Application of:**

**Frans E. Janssens and Joseph E. Leenaerts**

**Application No.: 09/868,535**

**Filing Date: July 26, 2001**

**For: Antihistaminic Spiro Compounds**

**Confirmation No.: 3436**

**Group Art Unit: 1624**

**Examiner: Brenda Libby Coleman**

**CERTIFICATE OF FACSIMILE TRANSMISSION**

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David N. Farsiou REG. NO. 44,104

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL PURSUANT  
TO 37 CFR § 1.114**

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the  
above-identified application.

1. Submission required under 37 CFR § 1.114

- ☐ Previously submitted
- ☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously  
filed on . (Any unentered amendment(s) referred to above will  
be entered).
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously  
filed on .

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☐ Other:☒ Enclosed☒ Amendment/Reply under 37 CFR § 1.111☐ Affidavit(s)/Declaration(s)☐ Information Disclosure Statement (IDS)☒ Other: Petition to Withdraw From Issue (37 CFR § 1.313 (c))

## 2. Miscellaneous

☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR §1.17(i) required)

## FEE CALCULATION:

				SMALL ENTITY		NOT SMALL ENTITY	
<input checked="" type="checkbox"/> RCE BASIC FILING FEE				\$385.00	\$	\$770.00	\$770.00
	CLAIMS REMAINING AFTER RCE	HIGHEST NO. PAID FOR	EXTRA				
TOTAL CLAIMS	15	20	0	\$9 EACH	\$	\$18 EACH	\$0
INDEP. CLAIMS	2	3	0	\$43 EACH	\$	\$86 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$	\$290	\$0
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$	\$420	\$0
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$	\$950	\$0
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$	\$1480	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME (May only be taken when filing RCE in lieu of Appeal Brief)				\$1005	\$	\$2010	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$0)
<input checked="" type="checkbox"/> PETITION TO WITDRAW FROM ISSUE				\$55	\$	\$130	\$130.00
TOTAL FEE DUE					\$		\$900.00

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- ☐ A response to the dated was due on . Petition is hereby made under 37 CFR § 1.136(a) to extend the time period for response from to and through comprising an extension of the shortened statutory period of month(s).
- ☐ A Notice of Appeal was filed . An Appeal Brief is due on . Applicants are filing this Request for Continued Examination in lieu of this Appeal Brief. Petition is hereby made to extend the time period from to and through comprising a total extension of month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: August 19, 2004



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